

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RAMON TREVINO HERNANDEZ,

Petitioner,

v.

MAGGIE MILLER-STOUT,

Respondent.

CASE NO. C10-5903RJB/JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the United States Magistrate Judge J. Richard Creatura. Dkt. 17. The Court has considered the Report and Recommendation, objections to the Report and Recommendation, and the remaining record.

The Report and Recommendation should be adopted and the petition dismissed as time barred. Petitioner's objections are without merit. He fails to address the issue of the time bar. Instead he argues "[n]ow with all due respect, I don't believe this is fear [sic] been in prison this much long, for my single mistake was those small kisses that I gave to my daughter, with the only purpose to encourage her for she to get her education." Dkt. 18, at 6. Petitioner fails to make any showing that his petition should not be dismissed.

Accordingly, the Court does hereby find and **Order:**

- (1) The Court **ADOPTS** the Report and Recommendation (Dkt. 17);
- (2) The petition is **DISMISSED AS TIME BARRED.**

- 1 (3) In accordance with Rule 11 of the Rules Governing Section 2254 Cases in
2 the United States District Courts, a certificate of appealability is **DENIED**
3 with respect to all claims asserted by petitioner in his habeas petition.
4 (4) The clerk is directed to send copies of this Order to Petitioner, and the
5 Hon. J. Richard Creatura.

6 DATED this 25th day of April, 2011.

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8 ROBERT J. BRYAN
9 United States District Judge
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